

Resolution #TC-1709

BE IT HEREBY RESOLVED, the Transportation Commission's Special and Regular Meeting Minutes of March 18 & 10, 2009 are hereby approved as published in the official agenda.

**Transportation Commission of Colorado
Regular Meeting Minutes
March 19, 2009**

Chairman Bill Kaufman convened the meeting at 9:40 a.m. in the auditorium of the headquarters building in Denver Colorado.

**PRESENT WERE: Bill Kaufman, Chairman, District 5
Kimbra L. Killin, Vice Chairwoman, District 11
Henry Sobanet, District 1
Jeanne Erickson, District 2
Gregory B. McKnight, District 3
Heather Barry, District 4
George Krawzoff, District 6
Doug Aden, District 7
Steve Parker, District 8
Les Gruen, District 9
Vacant, District 10
Stacey Stegman, Secretary/Public Relations Director**

**ALSO PRESENT: Executive Director Russ George
Peggy Catlin, Deputy Executive Director
Pam Hutton, Chief Engineer
Jennifer Finch, Transportation Development Director
Celina Benavidez, Administration and Human
Resources Director
Casey Tighe, Audit Division Director
Travis Vallin, Aeronautics Division Director
Heather Copp, Chief Financial Officer
Rick Gabel, Staff Services Director
Kim Heldman, Chief Information Officer
Tony DeVito, Region 1 Transportation Director
Tim Harris, Region 2 Transportation Director
Weldon Allen, Region 3 Transportation Director
Bob Garcia, Region 4 Transportation Director
Richard Reynolds, Region 5 Transportation Director
Randy Jensen, Region 6 Transportation Director**

**Harry Morrow, Chief Transportation Counsel
Doug Bennett, Federal Highway Administration
Deputy Division Administrator**

**AND: Vince Rogalski, Statewide Transportation Advisory
Committee (STAC) Chairman**

**AND: Other staff members, organization representatives,
the public and the news media**

**One audiotape of the meeting was made and supporting documents are
filed in the Transportation Commission office.**

Audience Participation

**Chairman Kaufman opened the floor for audience participation and there
was no forthcoming public comment.**

Comments of Individual Commissioners

**Commissioner Aden reported attending the FASTER (Funding
Advancements for Surface Transportation and Economic Recovery)
bill signing ceremony. He hoped the enactment would serve as the first
step in building an adequate funding base for the State's transportation
system. He also suggested that the Standing Committee on Efficiency &
Accountability discuss the practical design concept used by Missouri.**

**Commissioner Barry appreciated the condolences she received at her
grandfather's passing. After the bleak and dark conversations with the
commission over the past year about funding, she believed the signing of
FASTER was truly historical. Commissioner Barry complimented staff on
the "transportation energy" displayed to get the American Recovery and
Reinvestment Act (ARRA) projects in place and for the exemplary
partnering and coordination with the planning partners.**

**Vice chairwoman Killin reported about the Washington DC briefing, and
noted the reception from Colorado's Delegation definitely showed their
respect and trust in Federal Liaison Mickey Ferrell and Chief Financial
Officer Heather Copp.**

**Commissioner McKnight was impressed with the EO Branch for
scheduling outreach meetings to bring prime contractors and
subcontractors together to discuss the ARRA projects in an effort to
maximize Disadvantaged Business Enterprises and Emerging Small
Business participation and to assist individuals in finding jobs.**

Chairman Kaufman also reported on the Washington DC briefing. He pointed out that CDOT continues to set standards in the transportation arena and two white papers were presented that were very well received at the annual AASHTO conference.

Audit Review Committee Report

ARC Chairman Killin reported the ARC approved the Internal and External Audit work plans for 2010. A significant change is an initiative by the Audit Division designed to assist CDOT managers document their business processes and identify their particular control activities. The ARC suggested the initiative would be of interest to the Standing Committee on Efficiency & Accountability.

Audit and the Chief Engineer's staff evaluated the process used to manage the modified design/build project in Region 5. The region anticipated various risks with the innovative contract and put plans in place to mitigate risks. RTD Reynolds acknowledged the biggest advantage was that the CDOT project manager had extensive design and construction experience.

Audit investigated a concern raised by a CDOT materials inspector concerning paint used by a contractor on a striping job. The contractor appeared to be charging CDOT for more paint than was used on the job. The contractor found that their employee had fabricated paint use documents and the employee was discharged. Audit concluded that better training of materials inspectors in testing procedure may have helped to uncover the fraud sooner. The ARC also received hotline reports on the hotline and a tracking report on implementation of audit recommendations.

ARC vice chairman Sobanet noted CDOT has significant impediments to account for people who perform poorly. He understood there was not an immediate solution however he felt it was an area of discussion with significant potential for improvement and benefit for the taxpayers.

DBE Committee Report

DBE Committee chairwoman Barry stated the DBE Committee received a status report on DBE participation for the first part of Federal Fiscal Year 2009. The DBE Committee continues to be concerned about low participation by African American owned businesses. The staff clearly recognizes the need to address the underutilization and will need the Commission's support once the Disparity Study is completed to implement changes to the DBE program as appropriate. Some small, minority and women business owners attended the meeting and provided

good comments to help us understand some of the issues facing those businesses.

Information was provided about the regional outreach events to provide small business owners information about construction projects funded through ARRA and to maximize participation by DBEs and ESBs. The EO office is partnering with State workforce development centers and State economic development centers to leverage funding among the agencies to assist communities in finding jobs related to the ARRA projects.

The DBE Committee also learned the possibility of receiving additional technical assistance funding through the Federal Highway Administration for the On the Job Training programs and the DBE Supportive Service program. She informed the Commission the final report on the Disparity Study is expected within the next quarter. Also that staff was requested to provide several pieces of data to help the DBE Committee members better understand the issues around over-concentration and financial concerns.

Transit and Intermodal Committee Report

Chairman Parker reported on review of the 2009 Safe Routes to School projects and recommended approval by the full Commission. The Transit and Intermodal Committee also reviewed CDOT's progress on improving the payment and contracting processes for the Transit grant program. DTD, CDOT Finance, and the Federal Transit Administration have worked jointly to institute a 'tiering' system for grantees to reduce the paperwork required for reimbursement and to streamline the payment process. A day long video conference meeting was held in March to go over the process and procedures with grantees. Although there is some additional work to do, Chairman Parker said the improvements made were good and efforts are continuing to accomplish more.

Executive Director's Report

Executive Director George reported on his business activities since the meeting held in February. He participated in meetings or made presentations to the Colorado Asphalt Pavement Association, the Colorado Municipal League at their legislative workshop, the Living Streets annual meeting, the Grand Junction Rotary Club, the Colorado Association of Ski Towns, the Grand Junction Area Chamber of Commerce, the Colorado Economic Leadership Coalition, the Southeast Business Partnership and the annual Winter Environmental Conference.

Various meetings were held with Legislators concerning general items and FASTER. He had discussion with a Philadelphia law firm with expertise in

Public/Private Partnerships, cable companies interested in using CDOT's fiber optic for commercial purposes and Colorado Wins. His remaining time was spent on winding-up the legislative effort on FASTER and beginning the administration effort. He relayed his extreme pride in FHWA and CDOT employees work on the ARRA.

Chief Engineer Report

Chief Hutton used a powerpoint presentation to summarize the processes established and the activities underway to meet the requirements of the ARRA. The funds were apportioned to Colorado on March 2nd. Regarding project requirements, eligible activities are restoration, repair, construction and other projects under the Surface Transportation Program, such as bridges, carpools, bicycle/pedestrian, safety, passenger and freight rail. FHWA is determining how to obtain data from states to meet tracking and reporting requirements. The first report to FHWA is due on March 31st and the report on project data and jobs is due to Congressman Oberstar on April 4th.

Chief Hutton stated that CDOT is conducting daily risk assessments to ensure deadlines and obligations are met. Weekly progress meetings are held with the divisions and FHWA regarding the weekly reports that are submitted to her from the regions. Formal risk assessment reports will be submitted to FHWA as necessary.

Six ARRA projects were advertised on March 12th worth \$34.7 million. To date, \$50.1 million in projects have been obligated to FHWA and \$42.1 million has been obligated toward the \$141 million 120 Day requirement, which is 29.8 percent of the goal. CDOT is currently scheduled to obligate \$255 million in 120 days, which is 181 percent of 120 day goal. She noted the Regions are still identifying enhancement projects and the Metropolitan Planning Organizations are still identifying projects that are not subject to the 120 day requirement.

Commissioner Sobanet commented that the transportation spending is one of the more visible aspects of the ARRA. He suggested that the State consider using CDOT's methodology or a similar methodology for counting jobs related to all of the dollars allocated transportation. Executive Director George took responsibility to follow through on the matter with Cabinet member Don Elliman.

FHWA Division Deputy Administrator Report

FHWA Division Deputy Administrator Doug Bennett stated that FHWA directing CDOT on the data to be collected from the contractors to provide consistency in reporting nationwide. He was very pleased with

CDOT's progress to obligate the ARRA funds and felt Colorado would be poised for the redistribution.

Statewide Transportation Advisory Committee Report

STAC Chairman Vince Rogalski reported on the outcomes of the STAC meeting held on Friday February 13th. On behalf of the STAC, Mr. Rogalski recommended the Commission oppose Senate Bill 09-288 in its current form. Regarding the update to the 2035 Statewide Plan, STAC intends to pursue an amendment to the plan by focusing on the period between 2008 and 2017. Other matters addressed were the changes to the FY 2010 Budget and indirect costs. He also relayed that STAC supports the approval of the enhancement projects for ARRA funding.

Consent Agenda

Chairman Kaufman asked for consideration of the consent agenda and on a motion by Aden a second by Gruen and a vote of the Commission, the following resolutions were unanimously adopted.

Resolution Number TC-1698-B

BE IT HEREBY RESOLVED, the Transportation Commission's Special and Regular Meeting Minutes of February 18 and 19, 2009 are hereby approved as published in the official agenda.

Resolution Number TC-1699

WHEREAS, the Colorado Transportation Commission has statutory authority pursuant to 43-1-106, C.R.S. to approve, accept, and amend various planning documents resulting from Section 135 Title 23 of the USC, and 43-1-1101 through 1105 C.R.S.; and

WHEREAS, the Commission adopted the 2008 – 2013 Statewide Transportation Improvement Program (STIP) in March, 2008; and

WHEREAS, the STIP is occasionally amended due to significant changes in project scope or projects need to be programmed in or out of the first four years of the STIP, thereby requiring a policy amendment to the STIP; and

WHEREAS, the Section 450 Title 23 of the CFR requires a public process be implemented for review and comment on proposed policy amendments, as well as Transportation Commission approval of said amendments; and

WHEREAS, the public process for the policy amendments set before the Commission for the month of Amendment #11 was provided from February 10 through March 18, 2009 and no comments were received; and

WHEREAS, it is requested that the Transportation Commission approve the policy amendments to the STIP which are detailed in the attached table and direct staff to forward this approval to the Federal Highway Administration and the Federal Transit Administration for concurrence.

NOW THEREFORE BE IT RESOLVED, the attached STIP Policy Amendment package for Amendment #11 be adopted and forwarded to the Federal Highway Administration for concurrence.

BE IT FURTHER RESOLVED, after said concurrence is received from the Federal Highway Administration, staff from the CDOT Office of Financial Management and Budget will finalize the policy amendments in the STIP Database.

Resolution Number TC-1700

WHEREAS, the State owns certain property, as legally described in Exhibit A, hereinafter referred to as "the State's Property" which is used as a wetland bank; and

WHEREAS, the State desires to sell a portion of the State's Property, as shown in Exhibit A, and hereinafter referred to as "the Disposal Parcels," to the County for the construction of improvements associated with the County's Alvarado Road Project hereinafter referred to as "the Project," subject to the terms and conditions of a license agreement; and

WHEREAS, the required approval, clearance and coordination has been accomplished from and by the State with the appropriate agencies; and

WHEREAS, the County desires to acquire the Disposal Parcel from the State at Fair Market Value as determined by the State's customary appraisal process; and

WHEREAS, the County desires to construct additional project improvements, including drainage culverts, retaining walls, and applicable appurtenances required for the construction of the Project. The additional areas, outside of the Disposal Parcel, that the County requires on the State's Property shall hereinafter be referred to as "the Licensed Area"; and

WHEREAS, the County recognizes that the State must retain the superior right to use the Licensed Area for its own purposes, including but not limited to wetland mitigation, and the County agrees to relinquish the use of the Licensed Area without any cost or liability to the State, pursuant to the terms of this License; and

WHEREAS, the County desires to pay for any and all operational and maintenance costs of the improvements installed as part of the Project within the Licensed Area; and

WHEREAS, the State and the County consider it to be in their mutual interest to cooperate in and to agree upon certain responsibilities with regard to the improvements existing within the Licensed Area; and

WHEREAS, the Department of Transportation has declared through Pamela Hutton as Chief Engineer, contingent on FHWA approval of appropriate environmental documentation, that the sale of this property would not be detrimental to CDOT's plans for wetland mitigation; and

WHEREAS, the Chief Engineer and the Department are authorized pursuant to C.R.S. 43-1-106(8)(n); 43-1-110; 43-1-111; 43-1-114(3) and 43-1-210 to make determinations regarding transfer of title to real estate owned by the Department; and

WHEREAS, the Transportation Commission concurs with the Chief Engineer that these parcels will not significantly impact CDOT's wetland bank; and

WHEREAS, the State will not sell or otherwise dispose of these parcels prior to Federal Highway Administration approval.

NOW THEREFORE BE IT RESOLVED, that the Department of Transportation be authorized to dispose of parcels A, B, C, and D, project code 13819, as shown on Exhibit A and contained in the official agenda, containing 0.9805 acre, by offering the property to political subdivisions of the state at its fair market value.

Resolution Number TC-1701

WHEREAS, the Colorado Department of Transportation (CDOT) acquired Parcels 9 through 15, inclusive, as right-of-way for State Highway No. 4, now known as the I-70 Business Loop, under Project Number F 001-1(8) and recorded under Reception Numbers 602534, 602535, 602536, 602537, 602538, 602539 and 602540; and

WHEREAS, the City of Grand Junction has requested that CDOT relinquish a portion of the I-70 Business Loop North Frontage Road in order to construct and maintain improvements thereon in conjunction with the 29 Road/I-70 Business Loop Interchange project as described in CDOT's 1601 evaluation and the subsequent Finding of No Significant Impact; and

WHEREAS, CDOT's Region 3 has surveyed and described those portions of Parcels 9 through 15 from Project Number F 001-1(8) which comprise the right-of-way to be relinquished to the City of Grand Junction and has designated the same as Parcel No. 100-X under CDOT Project No. CC 0701-175 (See Exhibit A and Exhibit B); and

WHEREAS, the relinquishment to the City of Grand Junction will include the creation and reservation by CDOT of new Access Control Lines where none presently exist (See Exhibit C); and

WHEREAS, the relinquishment to the City of Grand Junction will include a reversionary provision stipulating that the right-of-way shall revert to CDOT in the event the City of Grand Junction ceases to use the right-of-way for public transportation purposes; and

WHEREAS, the relinquishment to the City of Grand Junction will be subject to the right of any utility to continue to operate, reconstruct or maintain in perpetuity their facilities which may be within said right-of-way; and

WHEREAS, the requested relinquishment will reduce CDOT expenditures by requiring the City of Grand Junction to perpetually maintain the relinquished area; and

WHEREAS, the Regional Transportation Director supports the relinquishment of this right-of-way at this time; and

WHEREAS, the Chief Engineer and the Department are authorized pursuant to C.R.S. 43-1-106(8)(n); 43-1-110; 43-1-111; 43-1-114(3) and 43-1-210 to make determinations regarding transfer of title to real estate owned by the Department; and

WHEREAS, CDOT has declared through Pamela Hutton as Chief Engineer that this right-of-way may be relinquished to the City of Grand Junction so long as said right-of-way is maintained by the City as a Public Street; and

WHEREAS, the State will not dispose of these parcels prior to Federal Highway Administration approval; and

WHEREAS, the Transportation Commission concurs with the Chief Engineer that this right-of-way may be relinquished to the City of Grand Junction so long as said right-of-way is maintained by the City as a Public Street.

NOW THEREFORE BE IT RESOLVED, that pursuant to the Code of Federal Regulations, Title 23, Part 620, Subpart B (23 CFR 620.203, Subpart B), the Department of Transportation be given the authority to relinquish to the City of Grand Junction, by Quit Claim Deed, Parcel No. 100-X, CDOT Project No. CC 0701-175, as shown on Exhibits A and B and contained in the official agenda, containing 106,145.38 square feet (2.437 acres), more or less, subject to the reservation by CDOT of certain rights to Access Control as described in Exhibit C and further subject to the condition that the right-of-way shall revert to CDOT in the event the City of Grand Junction ceases to use the right-of-way for public transportation purposes.

US 160 Interchange

RTD Reynolds stated that approval of the proposed resolution will allow the transfer of 7th Pot control totals from the US 550 corridor to the US 160 corridor. And then on a motion by McKnight, a second by Erickson and a vote of the Commission, the following resolution was unanimously adopted.

Resolution Number TC-1702

WHEREAS, on December 18, 2003, the Transportation Commission adopted Resolution Number TC-1231 to define its funding commitment to complete the remaining 7th Pot projects totaling \$2.1 billion in constant 2000 dollars plus inflation to the date of advertisement; and

**WHEREAS, the Commission allocated \$60.068 million in FY 2000 dollars to the US 160, Jct. SH 3 to Florida River and allocated \$48.819 million in FY 2000 dollars to the US 550, New Mexico State Line to Durango; and
WHEREAS, in July of 2008 CDOT began the first phase of the US 160/ US 550 interchange; and**

WHEREAS, the next phase of the interchange was under design and was to include the US 550 connection but due to an alignment shift and potential historic/archaeological issues, a revisiting of the environmental clearance for the US 550 alignment was required; and

WHEREAS, CDOT and FHWA have determined that an interchange on US 160 is necessary, has independent utility, and is fully functional without the US 550 connection; and

WHEREAS, the total project cost to complete construction of the US 160 Interchange is \$19 million and with identified Region 5 funding, an additional \$9.3 million is required to create a functioning interchange, which is \$8.18 million over the funding commitment defined in 2003; and

WHEREAS, Region 5 would like to increase the control total for the US 160 corridor by \$8.18 million and decrease the US 550 control total by \$8.18 million. This would leave an overall shortfall in the two corridors of \$1.76 million; and

WHEREAS, Region 5 agrees that should funding for this project become available through local impact or development fees the \$1.76 million shall be returned to the Transportation Commission; and

WHEREAS, Region 5 needs to make the following budget changes to align the funding in the projects:

- **Transfer \$4.2 M of SAFETEA-LU earmark funds from US 550 at Farmington Hill project to the US 550 New Mexico State Line North – Phase II**
- **De-budget \$4.2 M of S.B. 97-001 from the US 550 New Mexico State Line North – Phase II and return to the S.B. 97-001 pool**
- **Transfer \$2 M of S.B. 97-001 funds from US 550 at Farmington Hill project to the US 160 Interchange Phase III project**
- **Transfer \$9.7 M of US 160 S.B. 97-001 funds and SAFETEA-LU earmark funds from US 550 at Farmington Hill project to the US 160 Interchange Phase III project**
- **Budget \$4 million of ARRA funds for the Ramp B project. (On the TC approved list)**
- **Budget FY09 US 160 SAFETEA-LU Earmarks when received into the US 160 Interchange Phase III Project (Expected to be \$3.09 M)**
- **Budget Region 5 project savings to complete funding for a functional interchange into the US 160 Interchange Phase III Project (Expected to be \$220 K)**

NOW THEREFORE BE IT RESOLVED, the Transportation Commission approves these changes to the US 160, Jct. SH 3 to Florida River and US 550, New Mexico State Line to Durango 7th Pot control totals.

NOW THEREFORE BE IT ALSO RESOLVED, the Transportation Commission also approves the transfer of the funds between the projects and pools identified in this resolution.

Tenth Supplement to the Fiscal Year (FY) 2009 Budget

Chief Financial Officer Heather Copp reviewed the significant items in the supplement by investment category. Additional items requested were to reduce the Transportation Commission's Contingency for Earmarks by \$6.8 million to fund the non-participating costs on ARRA state projects; to reduce the Transportation Commission's Contingency by \$5 million to accelerate bridge design work for ARRA and FASTER projects; to reduce the Transportation Commission's Snow and Ice by \$2.75 million for allocation to the maintenance sections; to allocate \$700 thousand of funds from the S.B. 97-001 pool to the I 25 Widening, North Academy to InterQuest, for design purposes; to transfer \$300 thousand of Intelligent Transportation System capital funds of \$100 thousand to Personal Services and \$200 thousand to Operating; to transfer \$250 thousand from SAP IT and SAP Business Support to capital for a total of \$500 thousand to purchase hardware and software licenses to meet timeframes presented to the Commission by Information Technology.

Ms. Copp stated that DTD applied for a \$300 thousand CDPHE grant to research the feasibility of using waste tire crumb rubber on Colorado's highways; \$60 thousand would come from DTD's Research budget. The Governor's Energy Office (GEO) requested that state agencies submit energy-related project proposals to meet a June 17th deadline for ARRA funding totaling \$49.2 million. The immediate plan is to submit a conceptual proposal to GEO that focuses on general weatherization of maintenance sheds in areas that are also experiencing high unemployment rates. She added that many of CDOT's maintenance facilities that were built prior to 1980 have original lighting, minimal roof and wall insulation and single pane windows.

Ms. Copp proposed utilizing the existing budgeting process for non-7th Pot projects to process future ARRA budget actions. Any surplus of ARRA funds would be returned to the respective regional pools for reallocation within that Region. In the event of a contingency, the Chief Financial Officer would contact the Transportation Commission chairperson for approval prior to the next TC meeting if the budget request is within the regional ARRA control totals and if waiting for the next Commission meeting would jeopardize advertisement or award of the project. Further, the action would be reflected in the next TC supplement for concurrence.

With adoption of the supplement, the balance of the Commission's Snow & Ice Contingency Reserve would be about \$332 thousand and the Transportation Commission Contingency Reserve Fund (TCCRF) would be \$72.4 million.

Commissioner Parker moved for approval of the supplement, including the additional actions and ARRA budget process proposal. Sobanet seconded the motion and on a vote of the Commission the following resolution was unanimously adopted.

Resolution Number TC-1703

BE IT RESOLVED, that the Tenth Supplement to the Fiscal Year 2009 Budget be approved by the Commission.

Colorado State Infrastructure Bank (COSIB)

Ms. Copp introduced Grand Junction Regional Airport Manager Rex Tibbits. Ms. Copp stated the loan amount is \$4 million to build a rental car facility and the rental car facility fee would be used to repay the loan. The interest rate is 3 percent and the first payment is due one year after closing.

In response to a question from Commissioner Aden, Ms. Copp said she was comfortable that the underwriting of the loan addresses the issues raised in the audit. He also questioned if quarterly or monthly payments would be a better option than an annual payment. Mr. Tibbits responded that the fees are restricted within a pool and repayment could be made at the Commission's preference. In response to Commissioner Sobanet, Ms. Copp stated that following the Joint Budget Committee (JBC) action to take \$3 million from the Aviation COSIB to balance the budget, the JBC was notified of ongoing loan applications and that CDOT would continue to process loan requests. Commissioner Aden moved for adoption of the resolution, with a modification for quarterly loan payments. Commissioner Gruen seconded the motion and on a vote of the Commission the following resolution was unanimously adopted.

Resolution Number TC-1704

WHEREAS, the Colorado State Infrastructure Bank (bank) is a transportation investment bank with the ability to make loans to public and private entities for the formation of public transportation projects within the state; and

WHEREAS, the General Assembly has passed Legislation (43-1-113.5 CRS) that made certain provisions for the bank and established within the bank, a highway account, a transit account, an aviation account and a rail account; and

WHEREAS, the Transportation Commission has adopted rules, pursuant to 43-1-113.5 CRS, regarding the eligibility requirements, disbursement of funds, interest rates and repayments of loans from the bank; and

WHEREAS, a loan application has been submitted by the Grand Junction Regional Airport (sponsor), to borrow \$4,000,000 from the aviation account to help fund phase I of the rental car service facility; and

WHEREAS, the Division of Aeronautics and the Colorado Aeronautic Board has technically approved this aviation project; and

WHEREAS, the Colorado Department of Transportation's Chief Financial Officer (CFO) has reviewed and supports the application; and

WHEREAS, a sufficient amount is available to loan in the aviation account.

NOW THEREFORE BE IT RESOLVED, the Transportation Commission authorizes CDOT, under the guidance and direction of the CFO, to execute a loan agreement in the amount of \$4,000,000 with the sponsor under the terms and provisions set forth in the adopted rules.

Gaming Fund Request

Based on discussion during the budget workshop, Commissioner Killin moved for adoption of the resolution. Commissioner Sobanet seconded the motion and on a vote of the Commission the following resolution was unanimously adopted.

Resolution Number TC-1705

WHEREAS, gaming is recognized as a valuable economic resource for the state of Colorado; and

WHEREAS, the Limited Gaming Fund has been established by the general assembly in the office of the state treasurer under Section 12-47.1-701, C.R.S. (2008) to help offset financial impacts associated with increased highway traffic, greater need for law enforcement, and increased demands on other social services caused by gaming; and

WHEREAS, Section 12-47.1-701(1)(c)(I), C.R.S. (2008) mandates that the state treasurer distribute fifty percent of the balance remaining in the limited gaming fund to the state general fund or such other fund as the general assembly shall provide, including the state highway fund, and that the general assembly shall determine and appropriate an amount as a separate line item to be transferred to the state highway fund; and

WHEREAS, in accordance with the provisions of Section 12-47.1-701(1)(c)(I), C.R.S. (2008), Section 43-1-220(1)(c)(I), C.R.S. (2008) stipulates that the receipts from the limited gaming fund are to be used on public roads and highways leading to and within a fifty-mile radius of any limited gaming community; and

WHEREAS, the Colorado Department of Transportation (CDOT) must provide the Colorado Gaming Commission its fiscal year 2010-11 request for limited gaming funds by March 30, 2009, and, with Gaming Commission approval, must prepare for the Governor's Office of State Planning and Budgeting a legislative decision item request for said funds during July, 2009.

NOW THEREFORE BE IT RESOLVED, that the fiscal year 2010-2011 limited gaming funds request, as provided herewith, be approved for submittal to the Colorado Department of Revenue's Division of Gaming and the Colorado Gaming Commission in the amount of forty-five million, seven hundred two thousand, seven hundred seventy-one dollars (\$45,702,771).

Senate Bill 09-228

Then on a motion by Aden, second by Sobanet and a vote of the Commission the following resolution was unanimously adopted.

Resolution Number TC-1706

WHEREAS, a safe, efficient, and effective transportation system benefits all Coloradans and is a critical function of state government; and

WHEREAS, traditional revenue sources for transportation include state and federal excise taxes on gasoline and diesel fuel, which are fixed per-gallon taxes whose purchasing power has been significantly eroded by growth in construction costs; and

WHEREAS, in August 1996 the Colorado Transportation Commission identified twenty-eight projects on strategic corridors of statewide importance to be placed on an accelerated schedule for completion; and

WHEREAS, the Colorado Transportation Commission has allocated \$3.1 billion of resources to date for the strategic corridor projects, and that an additional \$3.0 billion (\$2009) remains to be funded on the following nine projects:

- **\$66.9 million for South US 287 (Campo to Hugo);**
- **\$2.2 million for US 550 (New Mexico State Line to Durango);**
- **\$1.1 million for US 160 (Junction of SH 3 to Florida River);**
- **\$155.6 million for Powers Boulevard in Colorado Springs;**

- **\$102.8 million for the I-70 East Corridor Major Investment Study;**
- **\$126.0 million for the I-70 West Corridor Major Investment Study;**
- **\$1,813.9 million for the I-70 Major Investment Study (Denver International Airport to the Eagle County Airport);**
- **\$440.4 million for the I-25 South Major Investment Study (Denver to Colorado Springs), and**
- **\$270.8 million for the I-25 North Major Investment Study (Denver to Fort Collins); and**

WHEREAS, the General Assembly passed Senate Bill 97-001, which provides dedicated General Fund resources specifically to aid the completion of the strategic corridor projects; and

WHEREAS, since the adoption of Senate Bill 97-001, \$1,367.4 million of General Fund revenues have been allocated to critical strategic infrastructure projects in support of the Department of Transportation's mission to create the best multi-modal transportation system for Colorado that most effectively moves people, goods, and information; and

WHEREAS, in November 1999 the voters of Colorado authorized the state to issue \$1.7 billion in revenue anticipation notes for the purpose of addressing the critical, priority transportation needs in the state, with Senate Bill 97-001 funds as a primary source of repayment; and

WHEREAS, in years when Senate Bill 97-001 revenues are not available to make principal and interest payments, those payments are made from state fuel tax proceeds, severely constraining the Department of Transportation's ability to deliver its program of highway construction and maintenance; and

WHEREAS, \$1,162.7 million in outstanding principal and \$311.6 million in interest on the aforementioned revenue anticipation notes remains to be repaid by 2017; and

WHEREAS, the General Assembly passed House Bill 02-1310 to provide additional General Fund resources for critical transportation projects and to dedicate ten percent of Senate Bill 97-001 revenues for transit purposes; and

WHEREAS, House Bill 02-1310 has provided \$637.3 million in excess General Fund revenues to critical transportation projects and allocated \$69.0 million for transit improvements; and

WHEREAS, between FY 2009-10 and FY 2034-35 the Colorado Department of Transportation's long range plan has identified \$7.5 billion in Senate Bill 97-001 revenues (\$2008) and \$1.4 billion in House Bill 02-1310 revenues (\$2008) reasonably expected to be generated under current law; and

WHEREAS, the \$8.9 billion in projected Senate Bill 07-001 and House Bill 02-1310 transfers represent 32.2 percent of the projected \$27.6 billion in uninflated, reasonably expected revenues under current law between FY 2009-10 and FY 2034-35; and

WHEREAS, the Transportation Finance and Implementation Panel found that the current state transportation system is under-funded by \$500 million per year as compared to what is necessary to maintain the current level of service, and is under-funded by \$1.5 billion per year as compared to the level of funding necessary to provide a twenty first century multimodal transportation system; and

WHEREAS, Senate Bill 09-228 would eliminate the Senate Bill 97-001 and House Bill 02-1310 transfers and remove the six percent cap on the annual growth rate of “off the top” appropriations from the Highway User Tax Fund; and

WHEREAS, the loss of Senate Bill 97-001 transfers would severely jeopardize the completion of the strategic corridor projects; and

WHEREAS, the loss of Senate Bill 97-001 and House Bill 02-1310 transfers would permanently eliminate the Department of Transportation’s ability to slow the rate at which the current level of service on the state highway system is deteriorating, to the long-term detriment of the state’s residents, visitors, businesses, and economy.

NOW THEREFORE BE IT RESOLVED, that the Colorado Transportation Commission opposes Senate Bill 09-228 in its current form.

Safe Routes to Schools (SRTS)

DTD Planning Branch Manager Sandi Kohrs presented the proposed FY 2009 SRTS project list totaling \$1.7 million in statewide infrastructure and educational projects. And then on a motion by Aden, second by McKnight and a vote of the Commission the following resolution was unanimously adopted.

Resolution Number TC-1707

WHEREAS, in 2004, C.R.S. 43-1-1604 required the Transportation Commission of Colorado to establish and the Colorado Department of Transportation (CDOT) to administer a Safe Routes to School (SRTS) program to distribute federal funds to eligible projects that enable and encourage children K-8 to bicycle and walk to school; and

WHEREAS, in 2005, Rules outlining the Colorado SRTS program were developed by a taskforce consisting of CDOT staff, representatives of the bicycling and pedestrian community, and the Colorado Department of Health and Environment and subsequently the Rules were adopted by CDOT; and

WHEREAS, in 2005, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) established 100 percent federal funding for the SRTS program; and

WHEREAS, an annual Colorado SRTS Advisory Committee was appointed by the CDOT Executive Director to represent teachers, parents, law enforcement, pedestrians, bicyclists, and transportation advisors to develop the Colorado SRTS program, to review all applications and to recommend projects for funding; and

WHEREAS, the SRTS Advisory Committee selected projects in February 2009 to recommend to the Commission for approval.

NOW THEREFORE BE IT RESOLVED, the Commission approves the Fiscal Year 2009 SRTS project list, dated March 19, 2009.

BE IT FURTHER RESOLVED, the Commission directs staff to take appropriate steps to amend the STIP, if required, and supplement the budget to be able to proceed with contract development.

Additions to the ARRA Project List

Ms. Kohrs then presented the Enhancement projects requested by the Engineering Regions for funding with the ARRA money. She noted that the additional projects would be posted for public comment and be part of the foundation list should a substitute project need to be advanced or if additional funds become available due to a potential redistribution. Commissioner Aden then moved for adoption of the resolution, seconded by Killin and on a vote of the Commission the following resolution was unanimously adopted.

Resolution Number TC-1708

WHEREAS, Congress has passed and the President of the United States has signed the American Recovery and Reinvestment Act (ARRA) of 2009 effective February 18, 2009; and

WHEREAS, the ARRA funds allocated include \$12.1 million for enhancement projects, \$74.9 million for distribution to the Transportation Management Agencies (TMA), and \$316.9 million to CDOT for regional priorities; and

WHEREAS, the ARRA funds allocated also include \$12.5 million in federal transit funds for non-urbanized rural areas as part of the Section 5311 program administered by CDOT; and

WHEREAS, CDOT Regions have been working with our planning partners to develop a list of projects that meet the eligibility requirements of the ARRA; and

WHEREAS, the list of projects that the CDOT Regions have developed in collaboration with their planning partners serves as the foundation list from which specific projects will be selected for implementation with ARRA funding available.

NOW THEREFORE BE IT RESOLVED, the Transportation Commission approves the attached list of projects as eligible to be added to the ARRA foundation list; and

NOW THEREFORE BE IT RESOLVED, the Transportation Commission approves the projects listed in BOLD TYPE on the attached list as projects to be implemented with funds received from the ARRA, contingent upon their inclusion in the Statewide Transportation Improvement Program (STIP); and

NOW THEREFORE BE IT RESOVLED, that the Transportation Commission directs staff to move forward with the necessary STIP public process and approvals and budgeting actions required for the projects approved for implementation with ARRA funding; and

BE IT FURTHER RESOLVED, that the other projects on the ARRA foundation list will be retained in case of a need for a ready to go substitute project for ARRA funding, or to be advanced if additional funds become available due to a redistribution, or in some cases may be advanced with existing formula funds.

US 6 Access Control Plan

Region 3 Traffic and Safety Engineer Dan Roussin discussed the US 6 – Clifton Access Control Plan. The Project Team was made up of CDOT, Mesa County and PBS&J. The study area is along US 6 from the I-70 Business loop to the railroad viaduct east of 33 Road. The recommendations are to allow 12 intersections and driveways in the study area, reduce access points by 32 and allow for the possibility of 2 new signalized intersections at 1st Street and at 5th Street; to signalize 1st Street in the short-term; provide a pre-emption signal for fire department access near 2nd Street; move the school crossing to the new signal at 5th Street; add median treatments along entire length of corridor; add sidewalks along entire length of corridor; close all alleys, 2nd Street, 3rd Street, 4th Street, Peach Tree Shopping Center driveway and Smallwood Lane; and relocate the second school entrance and bus drop-off

location to the east side of the school. Mr. Roussin concluded the presentation by informing the Commission that currently there are no planned state or federal projects or identified funding for improvements, however, 2 projects are planned that will implement a portion of the Access Control Plan.

US 50 Access Control Plan

Region 3 Traffic and Safety Engineer Dan Roussin discussed the US 50 Access Control Plan. The Project Team was made up of CDOT, Mesa County, the City of Grand Junction, and PBS&J. The study area is from approximately Grand Mesa Avenue to SH 141 in Whitewater, about 8.6 miles. Within the study area there are currently 165 intersections and driveways with 100 Right-in Right-outs, 3 ramps, 1 $\frac{3}{4}$ -Movement, 61 Full-Movement; and 5 existing signalized intersections. The accident rate is currently lower than similar facilities statewide. The Existing Level of Service is good (LOS A-C) on the entire mainline although unacceptable (LOS E or F) at 5 intersections during peak hours.

With implementation of the Access Control Plan, implemented, 68 intersections and driveways; 43 Right-in Right-out/Right-in/Right-out, 3 ramps, 6 (1) $\frac{3}{4}$ -Movement, 16 Full-Movements would be allowed. And, 118 accesses will be closed, either when a roadway improvement project occurs or when a property redevelops; 16 total signalized intersections allowed in future, mostly at or near recommended $\frac{1}{2}$ mile spacing.

Mr. Roussin concluded that the Access Control Plan represents a long range plan. Currently there are no state or federal projects or identified funding for improvements to US 50 that would change access. Implementation will occur over time based on traffic needs, safety needs, available funding and redevelopment.

Other Matters and Adjournment

And there being no further matters to discuss, Chairman Kaufman adjourned the meeting at 11:30 a.m. on March 19, 2009.

Stacey A. Stegman, Secretary
Transportation Commission of Colorado